

(President in the Chair.)

Question: Shall the amendment by Senator Moore to the pending amendment by Senator Baker be adopted?

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 25, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 435, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Welcome Resolutions

S. R. No. 354—By Senator Colson: Extending welcome to students, teachers and sponsors of Buffalo High School.

S. R. No. 355—By Senator Herring: Extending welcome to students and teacher of O. Henry High School of Austin.

S. R. No. 356—By Senator Parkhouse: Extending welcome to Mr. and Mrs. M. L. King et al of Dallas.

S. R. No. 357—By Senator Crump: Extending welcome to students and teachers of Brooksmith School of Brown County.

S. R. No. 358—By Senator Secrest: Extending welcome to students and teachers of Buckholtz High School.

S. R. No. 359—By Senator Weinert: Extending welcome to students, teachers and sponsors of Campus Elementary School of San Marcos.

S. R. No. 361—By Senator Willis: Extending welcome to students, teachers and sponsors of St. Mary's School of Fort Worth.

S. R. No. 362—By Senator Secrest: Extending welcome to students, their parents and sponsors of A Cappella Choir of Killeen High School.

S. R. No. 363—By Senator Baker: Extending welcome to students and sponsors of Alief School of Harris County.

S. R. No. 364—By Senator Crump: Extending welcome to students and their teachers of Medina Public Schools of Bandera County.

S. R. No. 365—By Senator Owen: Extending welcome to students and sponsors of Toyah High School of Reeves County.

S. R. No. 366—By Senator Crump: Extending welcome to the Honorable James Nugent of Kerrville.

S. R. No. 367—By Senator Aikin: Extending welcome to the Honorable Grady Moore of Red River County.

Recess

On motion of Senator Baker the Senate at 10:50 o'clock p.m. took recess until 11:00 o'clock a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Wednesday, April 26, 1961)

After Recess

The Senate met at 11:00 o'clock a.m. and was called to order by the President.

Leave of Absence

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator Lane.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 762, A bill to be entitled "An Act relating to the regulatory authority of the Game and Fish Commission in Comal County; amending Chapter 156, Acts of the 56th Legislature, Regular Session, 1959, to extend the duration of the Act to January 1, 1965; and declaring an emergency."

H. B. No. 802, A bill to be entitled "An Act making it unlawful to hunt, take, or kill, or attempt to hunt,

take, or kill deer in Howard County until the general open season in 1965; providing penalties; and declaring an emergency."

H. B. No. 856, A bill to be entitled "An Act relating to the authority of certain cities or towns to pledge certain revenue to redeem bonds, notes or warrants, as well as the interest thereon of such cities or towns; providing severability and general repealing clauses; and declaring an emergency."

H. B. No. 916, A bill to be entitled "An Act providing maximum compensation for assessor-collectors of taxes for all counties having a population of not less than six hundred thousand (600,000) nor more than seven hundred thousand (700,000) according to the last preceding Federal Census; and declaring an emergency."

H. B. No. 917, A bill to be entitled "An Act to provide that the judges of the County Courts at Law Nos. 1, 2, and 3, of Bexar County, Texas, shall each receive an annual salary of not less than Twelve Thousand Dollars (\$12,000) nor more than Sixteen Thousand Dollars (\$16,000) to be determined and fixed by the Commissioners Court of Bexar County, Texas, and when thus determined and fixed such annual salary shall be paid in twelve (12) equal monthly installments by warrants drawn upon the County Treasurer of Bexar County, Texas, upon orders by the Commissioners Court; and declaring an emergency."

H. B. No. 938, A bill to be entitled "An Act relating to the regulatory authority of the Game and Fish Commission in Tyler, Jasper and Newton Counties; amending Section 1 of Chapter 19, Acts of the Fifty-fifth Legislature, Second Called Session, 1957, to make the Act applicable to all of Tyler County, including Precinct 4; and declaring an emergency."

H. B. No. 1004, A bill to be entitled "An Act providing additional compensation for the county judge of Tarrant County for his service as a member of the juvenile board; providing that such compensation shall be in addition to all other compensation now provided or allowed by law for said county judge; providing that the commissioners court of Tarrant County shall provide the neces-

sary funds for such compensation; and declaring an emergency."

H. B. No. 1050, A bill to be entitled "An Act providing that in the Forty-Seventh Judicial District of Texas the maximum salary of the District Attorney shall be fixed at not to exceed Twelve Thousand Dollars (\$12,000), and the maximum salary of the Assistants shall not exceed Ten Thousand Dollars (\$10,000) for the First Assistant District Attorney and Eight Thousand Dollars (\$8,000) for the Second Assistant District Attorneys in said District; containing a severability clause; and declaring an emergency."

H. B. No. 1051, A bill to be entitled "An Act amending Section 102 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, to provide the 102nd District Court may hear nonjury criminal cases at Texarkana, Texas; and declaring an emergency."

H. J. R. No. 15, Proposing an Amendment to Article XVI, Section 28 of the Constitution of the State of Texas, so as to give to the Legislature the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient, for the garnishment of the current wages of a parent for personal services for child support payments in accordance with an order of a court of competent jurisdiction; providing for the necessary election, form of ballot, proclamation and publication.

H. B. No. 163, A bill to be entitled "An Act amending Section 1 of Chapter 355, Acts of the 52nd Legislature, 1951 (Section 1 of Article 1969a-2, Vernon's Texas Civil Statutes), relating to performance of duties of the County Judge by the Judge of any County Court at Law in certain counties, by changing the counties to which the Act is applicable from counties having a population of less than 600,000 inhabitants to counties, having a population of less than 700,000 inhabitants, according to the last preceding or any future Federal Census; and declaring an emergency."

H. B. No. 345, A bill to be entitled "An Act authorizing the Commissioners Court in all counties having a population of not less than ninety-five thousand (95,000) and not more than one hundred fifteen thousand

(115,000) according to the last preceding Federal census to purchase automobiles to be paid for out of county funds, and to be used by the County Commissioners in the discharge of their official business; and declaring an emergency."

H. B. No. 415, A bill to be entitled "An Act regulating the taking, transporting, and selling of minnows in Zavala County; providing that minnows may be transported into Zavala County from outside said County; providing penalties; and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act providing for the compensation of the official shorthand reporter of the 115th Judicial District of Texas; providing the manner of payment; and declaring an emergency."

H. B. No. 499, A bill to be entitled "An Act amending Section 17 of Chapter 152, Acts of the Fifty-fifth Legislature, Regular Session, 1957, as amended, to extend the existing authority of the Game and Fish Commission to regulate wildlife in Bexar County; and declaring an emergency."

H. B. No. 564, A bill to be entitled "An Act amending Section 2 of Chapter 108, Acts of the 52nd Legislature, Regular Session, 1951, codified as Section 2 of Article 1970-110b, Vernon's Texas Civil Statutes, by removing jurisdiction of civil actions from County Court at Law No. 3 of Harris County, Texas; and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act to repeal Section 2A of Chapter 453, Acts of the 55th Legislature, Regular Session, 1957, which is codified as Section 2A, Article 1970-110C, Vernon's Texas Civil Statutes, so as to remove jurisdiction of civil actions from County Court at Law No. 4 of Harris County; and declaring an emergency."

H. B. No. 626, A bill to be entitled "An Act amending Section 15 of Chapter 400, Acts of 55th Legislature, Regular Session, 1957, which is codified as Section 15 of Article 1970-345, Vernon's Texas Civil Statutes, so as to provide certain additional employees of the Probate Court of Tarrant County and establishing certain control over employees and

fixing minimum salaries; and declaring an emergency."

H. B. No. 687, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over Wildlife resources in the County of Walker; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended, so as to make that Act applicable to such County; repealing certain laws and fixing an effective date of the repeal; providing for severability; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act amending Article 8120, Revised Civil Statutes of Texas, 1925, as amended, by providing increased compensation for Commissioners of Drainage Districts in all counties having a population of not less than seventy-five thousand (75,000) and not more than ninety thousand (90,000) according to the last preceding Federal Census, and having an assessed valuation for county tax purposes of Two Hundred Forty-five Million Dollars (\$245,000,000) or more, providing such districts lie wholly within one (1) county; and declaring an emergency."

H. B. No. 761, A bill to be entitled "An Act to provide that the District Attorney of the 24th Judicial District shall be compensated not to exceed Ten Thousand Dollars (\$10,000); providing that the stenographer of such Judicial District shall be compensated not to exceed Four Thousand Dollars (\$4,000); and declaring an emergency."

H. B. No. 871, A bill to be entitled "An Act abolishing office of county superintendent in counties of more than 64,800 persons and less than 69,000 persons according to last preceding Federal Census; repealing Chapter 62, Acts of the 51st Legislature, Regular Session, 1949 (compiled as Article 2688c, Vernon's Annotated Civil Statutes) as last amended; delegating duties of county superintendent to county judge; providing for severability; and declaring an emergency."

H. B. No. 1061, A bill to be entitled "An Act enlarging and extending Fort Bend County Water Control and Improvement District No. 2 and defining the boundaries thereof as enlarged; finding a benefit and public

use; providing for calling and holding an assumption of indebtedness election or elections; validating governmental proceedings and acts; authorizing the district to add or annex additional land as provided by law; providing a severability clause; and declaring an emergency."

H. B. No. 1062, A bill to be entitled "An Act to amend Section One (1) of Chapter 511, Acts 1955, 54th Legislature, Regular Session, as heretofore amended by Chapter 65, Acts 1957, 55th Legislature, Regular Session, and by Chapter 6, Acts 1959, 56th Legislature, Regular Session; finding a benefit; and declaring an emergency."

H. B. No. 1063, A bill to be entitled "An Act enlarging Jefferson County Drainage District No. 6, of Jefferson County, Texas; converting said District as so enlarged to, and creating and establishing said District as, a conservation and reclamation district under Section 59, Article XVI, Texas Constitution; providing that the general laws, with exceptions, shall apply to said District and to its Drainage Commissioners; containing provisions relating to, and authorizing the issuance of, bonds of the District, and the assumption of bonds heretofore issued; authorizing the levy and collection of maintenance taxes; granting the right of eminent domain to the District; providing that if a majority vote is cast against the proposition for the levy and collection of a maintenance tax at the election provided for by the Act, this Act shall no longer be effective and the District shall immediately revert to its former boundaries and status as if this Act had not been enacted, and containing other provisions relating thereto; providing a severability clause; containing other provisions relating to the District and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills:

S. B. No. 195, A bill to be entitled "An Act validating certain proceedings of home rule cities; amending

their home rule charters; validating the election proceedings whereby officials of such city have taken office; validating certain acts of such governing body of such city; providing that the Act shall not be applicable where litigation is pending at the time of the effective date where such litigation is ultimately determined against the validity of such amendment; providing a savings clause; and declaring an emergency."

S. B. No. 276, A bill to be entitled "An Act amending sections 9, 10, 11 and 13 of Chapter 52, Acts of the 41st Legislature, 1st Called Session, 1929, compiled as Sections 9, 10, 11 and 13 of Article 1525b, Vernon's Annotated Penal Code, so as to regulate the movement of livestock and domestic fowl into the State of Texas; and declaring an emergency."

H. B. No. 554, A bill to be entitled "An act limiting the provisions of this Act to Borden County; making it unlawful, except under the provisions of this Act, for any person to hunt, take, kill or possess any game bird or game animal in said County at any time; to take, kill or trap any fur-bearing animal in said County; any fresh-water fish or other aquatic life in the public waters of said County by any means or method; prescribing the legislative policy with respect to the wildlife resources in said county; etc.; and declaring an emergency."

Vote on Final Passage of House Bill 396 Reconsidered

Senator Aikin asked unanimous consent to suspend that portion of Senate Rule 60 that pertains to the number of days in which the motion to reconsider a vote may be taken so that the Senate may reconsider H. B. No. 396.

There was no objection offered.

On motion of Senator Aikin and by unanimous consent the vote by which H. B. No. 396 was finally passed on Tuesday, March 28, 1961, was reconsidered.

The President then laid H. B. No. 396 before the Senate on its third reading and final passage. (The bill having been read the third time on Tuesday, March 28, 1961.)

Question—Shall H. B. No. 396 be finally passed?

Senator Aikin offered the following amendment to the bill:

Amend House Bill No. 396 by striking out all below the enacting clause and in lieu thereof substituting the following:

"Section 1. There is hereby established the Morris County Juvenile Board, which shall be composed of the County Judge of Morris County and the judge of each judicial district which includes Morris County. The judge of the court which is designated as the juvenile court for Morris County shall be chairman of the board and its chief administrative officer.

Sec. 2. As compensation for the added duties imposed upon members of such juvenile board, each member thereof may be allowed additional compensation not to exceed Eighteen Hundred Dollars (\$1,800) per year, to be fixed by the commissioners court of Morris County and paid monthly in twelve (12) equal installments out of the general fund of the county. Such compensation shall be in addition to all other compensation now provided or allowed by law for county judges and district judges.

Sec. 3. The Morris County Juvenile Board shall have all the powers conferred on juvenile boards created under Article 5139 of the Revised Civil Statutes of 1925 as heretofore or hereafter amended. If the juvenile board determines that it is necessary to have a juvenile officer for Morris County, it may appoint a juvenile officer, whose salary shall be fixed by the commissioners court of Morris County in an amount not to exceed Three Thousand Dollars (\$3,000) per year, and whose allowance for expenses shall not exceed Five Hundred Dollars (\$500) per year. The juvenile officer shall have the powers and duties prescribed by Article 5142 of the Revised Civil Statutes of 1925 as heretofore or hereafter amended. All claims for expenses of the juvenile officer shall be certified by the chairman of the juvenile board as being necessary in the performance of the duties of the juvenile officer. The commissioners court of Morris County shall provide the necessary funds for payment of the salary and expenses of the juvenile officer.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Sec. 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 6. The need for making more adequate provisions for the handling of juvenile matters in Morris County creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is enacted."

The amendment was read and was adopted by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Weinert
Krueger	Willis
Lane	

Absent

Smith

Absent—Excused

Hazlewood

On motion of Senator Aikin and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed by the following vote:

Yeas—29

Aikin	Dies
Baker	Fuller
Calhoun	Gonzalez
Colson	Hardeman
Creighton	Herring
Crump	Hudson

Kazen
Krueger
Lane
Martin
Moffett
Moore
Owen
Parkhouse
Patman

Ratliff
Reagan
Roberts
Rogers
Schwartz
Secrest
Weinert
Willis

Absent

Smith

Absent—Excused

Hazlewood

Remarks of Vice-President Lyndon B. Johnson and Chancellor Adenauer Ordered Printed in Journal

On motion of Senator Krueger and by unanimous consent the addresses of Vice-President Lyndon B. Johnson and Chancellor Adenauer pursuant to S. C. R. No. 45 on Monday, April 17, 1961, be ordered printed in the Senate Journal.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred S. B. No. 454, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

Senator Fuller by unanimous consent submitted the following report:

Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred H. B. No. 805, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Senate Concurrent Resolution 52

Senator Martin offered the following resolution:

S. C. R. No. 52, Suspending Joint Rules to permit the House or Senate to consider Local and Uncontested Bill Calendar.

Resolved by the Senate of the State of Texas with the House of Representatives concurring, That the Joint Rules be and they are hereby suspended in order that the Senate or the House of Representatives may take up a local and uncontested bills calendar on any day.

The resolution was read.

On motion of Senator Martin and by unanimous consent the resolution was considered immediately and was adopted.

Motion for Local and Uncontested Bills Calendar

On motion of Senator Martin and by unanimous consent the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar at 9:30 o'clock a.m. on Thursday, April 27, 1961.

Extra Copies of Senate Journal Ordered Printed

On motion of Senator Martin and by unanimous consent 50 extra copies of the Senate Journal for today were ordered printed.

Senate Bill 454 Ordered Not Printed

On motion of Senator Moore and by unanimous consent S. B. No. 454 was ordered not printed.

Senate Resolution 370

Senator Hardeman offered the following resolution:

Whereas, Texas' oldest learned society, the Texas State Historical Association, was organized by members of the history faculty of the University of Texas in 1897 and has since that date functioned as a valuable adjunct to the University of Texas and has rendered invaluable service to the people of Texas and the entire Southwest with the publication of the Southwestern Historical Quarterly, a periodical devoted to the preservation of the rich and interesting history of Texas; and

Whereas, The Southwestern Historical Quarterly is universally recognized as one of the best of such publications, having been so recognized with awards by the American Association for State and Local History and by surveys and analyses conducted by national organizations such as the American Antiquarian Society; and

Whereas, The junior historian program instituted by the Texas State Historical Association in 1940 is encouraging the study, reading, and writing of Texas history by the boys and girls of this State and is developing their appreciation of our historical heritage; and

Whereas, The Junior Historian Magazine, published by the Texas State Historical Association as a vehicle for the writings of the young citizens of this State, has been widely copied in various other States, but never duplicated in quality; and

Whereas, The Texas State Historical Association has published more than twenty separate volumes, accepted as authoritative, devoted to various phases of the history of this State; and

Whereas, The Texas State Historical Association has been of tremendous assistance to the University of Texas in the acquisition of its valuable and outstanding historical collections; and

Whereas, Realizing that "continuity with the past is not an obligation, but a necessity" as stated by Mr. Justice Holmes, and, as said by Dr. H. Bailey Carroll, "No man is fit to be entrusted with control of the present who is ignorant of the past," and History being the record of civilization, it presents the past to us as prologue; and

Whereas, The various historical publications and the allied activities of the Texas State Historical Association are under the editorship and direction of Professor Carroll, a nationally recognized and respected historian; and

Whereas, The Texas State Historical Association is holding its sixty-fourth annual meeting in the Capital city the latter part of this week (April 27, 28 and 29); now, therefore, be it

Resolved by the Senate of the State of Texas, That it take official notice of the meeting of the Texas State Historical Association and extend its congratulations and greetings to that organization, its members and to its director, Professor Carroll, for their

contributions to the preservation of the ancient landmarks which were set by our fathers.

The resolution was read and was adopted.

Reports of Standing Committee

Senator Reagan by unanimous consent submitted the following reports:

Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 318, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 256, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

REAGAN, Chairman.

Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 359, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

REAGAN, Chairman.

Senate Resolution 373

Senator Willis submitted the following resolution:

Whereas, The Un-American Activities Committee of the United States House of Representatives was established some twenty-two years ago to expose and halt the infiltration of subversive elements in our Country; and

Whereas, Because of its great work in ferreting out the enemies of our

American way of life, this great committee was given a permanent status by the U. S. Congress; and

Whereas, The House Un-American Activities Committee has worked closely with J. Edgar Hoover and all National and State Agencies in fighting Communism and other un-American activities; and

Whereas, The Honorable Martin Dies of Texas was the author of the legislation that set up this great Committee, was its first Chairman and worked untiringly and unceasingly for over twenty years to expose and stop each and any form of un-American activity; and

Whereas, The House Un-American Activities Committee through Martin Dies, its members and staff, has rendered permanent and invaluable services to our nation; and

Whereas, It is the desire of the Senate of Texas to commend the House Un-American Activities Committee for its great work in halting and suppressing the infiltration of subversive elements in our country and to further commend the Honorable Martin Dies for his great contribution to our American way of life as chairman of this vital committee; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the Senate voice its approval and urge the continuation of the work of the House Un-American Activities Committee in exposing and halting the infiltration of subversive elements in our country; and, be it further

Resolved, That a copy of this Resolution be sent to Speaker Sam Rayburn and to each member of the United States House of Representatives from Texas and to the former Chairman of this great committee, the Honorable Martin Dies.

The resolution was read and was adopted.

Conference Committee Report on House Bill 189

Senator Smith submitted the following Conference Committee Report on H. B. No. 189:

Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Hon. James A. Turman, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the dif-

ferences between the Senate and the House of Representatives on H. B. No. 189, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

SMITH
CREIGHTON
RATLIFF
AIKIN
ROBERTS

On the part of the Senate

HUEBENER
DEWEY
GLUSING
JONES of Travis
COTTEN

On the part of the House.

H. B. No. 189:

A BILL

TO BE ENTITLED

An Act establishing a Position Classification Plan for certain departments, institutions, and agencies of the State and requiring that all regular, full-time salaried employments shall conform therewith; providing certain exceptions and deferments from such position classification plan; providing that nothing in this Act shall interfere with existing statutory authorizations for employing, promoting, or dismissing employees of the State, or abrogating statutory authority for certain state agencies to operate under merit systems; establishing in the State Auditor's Office the office of Classification Officer, specifying his qualifications and describing his duties; providing for the maintenance, operation, and application of such position classification plan; providing for appeals to the Legislative Audit Committee from the Classification Officer's decisions; providing a severability clause; and declaring an emergency.

BE IN ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. This Act may be cited as the "Position Classification Act of 1961."

Section 2. All regular, full-time salaried employments within the departments and agencies of the State specified in Article III, and the Central Education Agency, Deaf and Blind Schools in Article IV, and all such state employments in positions other than for Judges, District Attor-

neys and Assistant District Attorneys specified in Article I of the biennial appropriations acts, shall conform with the Position Classification Plan hereinafter described and with the salary rates and provisions of the applicable appropriations acts commencing with the effective date of this Act, with the exceptions and deferments hereafter provided in this Section.

Effective January 1, 1962, all regular, full-time salaried employments in executive or administrative agencies of the State regardless of whether their funds are kept inside or outside the State Treasury, shall also conform with the Position Classification Plan hereinafter described and with the salary rates and provisions of the general appropriations acts with the exceptions hereinafter provided in this Section.

It is further provided, however, that no employee who is presently employed by the State shall be paid less through the application of this Act than the salary he received in accordance with the provisions of H. B. No. 4, Acts of the 56th Legislature, Third Called Session, 1959, or the minimum of the appropriate salary range specified in the general appropriations act effective September 1, 1961, whichever is the higher, so long as said employee remains in such classified position under the Position Classification Plan.

Specifically excepted from the Position Classification Plan hereinafter described are Constitutionally named and elective officers and officials; officers appointed by the Governor; the chief executive head of any State agency covered by the first two paragraphs of this Section; teachers in public schools and special schools of the State, and in the State colleges, universities, and other agencies of higher education; research personnel in State colleges, universities, and other agencies of higher education; medical doctors; professional services compensated on a fee basis; hourly employees, part-time, and temporary employees; and such other positions in the State Government as have heretofore been or as may hereafter be excluded from such Position Classification Plan by executive order of the Governor or by direction of the Legislature.

Deferred from the provisions of such Position Classification Plan until September 1, 1963, are all positions

in Article II of the general appropriations act covering employments in the State Hospitals and Special Schools and in offices and institutions of the Texas Youth Council except those specifically excluded heretofore in this Section.

Also deferred from the provisions of such Position Classification Plan until such time as it is deemed practical by order of the Governor or by direction of the Legislature to study and make application of such plan, are all non-academic employments in the State colleges, universities, and other agencies of higher education.

Section 3. The Position Classification Plan established for the State Government by this Act shall be that plan which was filed with the Governor by the Lieutenant Governor and Speaker of the House of Representatives pursuant to the joint recommendations of the Senate Finance Committee and House Appropriations Committee of the Fifty-seventh Legislature under date of May 10, 1961, and entitled "Texas Position Classification Plan, 1961"; together with any additions, deletions, or modifications which may be approved by the Classification Officer hereinafter established and pursuant to the provisions of this Act, or pursuant to any future enactments of the Legislature.

Section 4. Commencing with the effective date of this Act, all regular full-time salaried employments with the exceptions and deferments specified hereinabove shall be made only in conformity with the classes of work described in such Position Classification Plan, and under the titles authorized by such plan. The State Auditor shall examine or cause to be examined in periodic post-audits of expenditures of State departments and agencies, and by such methods as he deems appropriate and adequate, whether employments have been made in accordance with the provisions of this Act, and shall report the facts as found to the Governor, the Comptroller, and the Legislative Audit Committee.

Section 5. Nothing in this Act shall be construed or applied by any officer or employee of the State as interfering in any way with existing statutory authorizations for governing bodies and executive heads to employ such persons as they may choose, or to select for promotion from one class of employment to another such em-

ployees as they may choose, or to dismiss from employment by the State such employees as they may choose to dismiss.

It is further provided that wherever the phrase "General Qualifications Requirements," or any words or phrases of similar meaning, are found in the Position Classification Plan established by this Act, such specifications thereunder as may be set forth for experience and training, or for education, or for knowledges, skills and abilities, or for physical conditions, shall only mean those which are commonly desired by employing officers of the State; and such indicated requirements shall not be interpreted as having the force of law.

The preceding two paragraphs of this Section, however, shall not be construed as abrogating statutory authorizations for certain State agencies to operate under employee merit systems as a condition for qualifying for Federal grants-in-aid; and all such merit systems as have been or may hereafter be agreed to by the respective State agencies and agencies of the U. S. Government shall be in full force and effect, subject only to the applicable laws of this State.

Should any governing board or executive head of an agency affected by the provisions of this Act find need for the employment of a person in a class or kind of work which he believes is not described in the Position Classification Plan, such board or executive head shall notify the Classification Officer of the facts, and such Classification Officer shall promptly provide, within the limitations of the general appropriations acts and subject to the approval of the State Auditor after obtaining the advice of the Legislative Audit Committee, either an existing or a new class description of work and a corresponding salary range which will permit such needed employment. Notification of such action shall be made to the Comptroller of Public Accounts by the Classification Officer. Nothing in this paragraph or in this Act, however, shall be so construed as to authorize an increase in the number of positions or in the amount of appropriations as may be set forth for any such agency in the general appropriations act.

Section 6. There is hereby established in the office of the State Auditor the position of Classification Offi-

cer. The Classification Officer shall be appointed by the State Auditor, subject to the advice and approval of the Legislative Audit Committee. No person shall be appointed to the office of Classification Officer who has not had a minimum of six (6) years experience in position classification or personnel management work, or an equivalent period of experience in related work in State employment as to peculiarly qualify him for the position. Such Classification Officer shall be paid such annual salary as may be set in the appropriation acts, and shall have for the performance of his duties such assistance as the State Auditor may assign to him from the appropriations provided for that purpose.

The Classification Officer may, subject to the approval of the State Auditor and the Legislative Audit Committee, appoint a first assistant classification officer to whom he may delegate in his absence statutory authority and responsibility as is provided the Classification Officer in this act and other acts relating to the Position Classification Plan.

The Classification Officer also may have at his disposal when available without charge the use of the data processing center in the office of the Comptroller of Public Accounts for purposes of processing any position classification data that might be pertinent and useful.

In accordance with the provisions of law, the Classification Officer shall maintain on a current and accurate basis the position classification plan, advise and assist state agencies to insure equitable and uniform application of such plan, assist in personnel audits to assure conformity, and make such recommendations as he may think necessary and desirable respecting the operation and improvement of the position classification plan to the Governor and the Legislature.

The Classification Officer also shall make periodic studies of salary rates paid in industry and other governmental units for like or similar work performed in the state government, and shall report his findings and recommendations for the realistic adjustment of state salary ranges to the Governor's budget office and to the Legislative Budget Board by not later than October 1 immediately preceding a regular session of the Legislature.

When exceptions to or violations of the position classification plan or of

prescribed salary ranges are revealed by personnel audits, the Classification Officer shall notify the agency head in writing and specify the points of non-conformity or violation. The executive head of such agency shall then have reasonable opportunity to resolve the exception or end the violation by re-assigning the employee to another position title or class consistent with the work actually performed, by changing the employee's title or salary rate to conform to the prescribed classification plan and salary range, or by obtaining a new class description of work and salary range to correct the exception or violation.

If no action is taken by the executive head of such agency to correct or end the exception or violation within twenty (20) calendar days following the date of the written notification made by the Classification Officer, such officer shall make a written report of the facts to the Governor and the Legislative Budget Board. The Governor may then determine, after obtaining the advice of the Legislative Audit Committee, the action to be taken in correcting the exception or violation and may, within his discretion, direct the Comptroller not to issue payroll warrants for the employee or for the position affected by the exception or violation until such discrepancy has been corrected.

Any decision or finding made by the Classification Officer under the provisions of this Act may be appealed by any employee or by the executive head of any agency to the Legislative Audit Committee under such rules governing appellate procedure as said Committee may adopt.

Section 7. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Section 8. All laws or parts of laws in conflict with this act are hereby repealed or modified to the extent of such conflict only.

Section 9. The fact that millions of tax dollars are expended in the State Government without a systematic plan for assisting State agencies and the Legislature in equitably setting and paying salaries and wages to em-

ployees that are commensurate to the work performed, the fact that Texas taxpayers are entitled to the assurance that state officials and employees do what they are paid for and are paid for what they do, and the facts developed pursuant to Senate Concurrent Resolution No. 23 of the Fifty-fifth Legislature and House Concurrent Resolution No. 58 of the Fifty-sixth Legislature called for position classification and compensation plans for the State Government, together constitute an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended and this Act shall take effect and be in force from and after September 1, 1961, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Calhoun	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	

Nays—3

Hardeman	Willis
Martin	

Absent—Excused

Hazlewood

Senate Resolution 374

Senator Herring offered the following resolution:

Whereas, The Senate is pleased to have in the Chamber today seven exchange students from the Union of Soviet Socialist Republics; and

Whereas, These students are on an extended tour of the United States and will be in Austin for seven days observing the daily life of the University of Texas and the Capital City; and

Whereas, The exchange program provides an excellent opportunity for these students to exchange experiences and ideas with American students; and

Whereas, It is the hope of this program that such exchanges will create better relations and communications between the people of the United States and the Union of Soviet Socialist Republics; and

Whereas, The members of this group of students and their chosen fields of interest are Gamlet Mamed Ogly Aliev, Mechanical Engineer; Aleksandr Oganovich Chubaryan, Historian; Remik Oganovich Markaryan, Architect; Boris Dmitrievich Pankin, Journalist; Igor Aleksandrovich Sumenkov, Technician; Vadim Vasilevich Taskaev, Engineer; and Evgeni Patrovich Vereshchagin, Construction Engineer; and accompanying this group is Mrs. Alexis Romanoff, a graduate student at Cornell University who is serving as Interpreter-Guide for the trip; and

Whereas, It is the desire of the Senate of the Fifty-seventh Legislature of the State of Texas to welcome this group of young men and to signify our sincere interest in bettering the relationship between the United States and the Union of Soviet Socialist Republics; now therefore be it

Resolved, That the members of the Russian student exchange group be officially recognized and commended for their participation in this program, that they be granted privileges of the floor, and that a member of their group be invited to address the Senate; and be it further

Resolved, That a copy of this resolution be presented to each of these fine students with our congratulations and good wishes.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented all the guests to the Members of the Senate.

The President appointed Senators Herring, Kazen and Hudson to escort Mr. Pankin and his interpreter to the President's Rostrum. The President presented Senator Herring and he presented Mr. Pankin to the Senate.

Mr. Pankin addressed the Senate in Russian and the interpreter translated

his remarks for the benefit of the Senate.

Senate Bill 35 with House Amendments

Senator Roberts called S. B. No. 35 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Roberts moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	

Absent

Willis

Absent—Excused

Hazlewood

House Bill 388 Postponed

On motion of Senator Lane and by unanimous consent H. B. No. 388 was ordered postponed until Wednesday, May 3, 1961.

House Bill 645 on Second Reading

The President laid before the Senate on its second reading H. B. No. 645 (the bill having been read the second time on Wednesday, April 19, 1961 and postponed until today on Thursday, April 20, 1961).

(Senator Martin in the Chair.)

Senator Herring offered the following amendment to the bill:

Amend House Bill No. 645 by striking therefrom the words "The University of North Texas" which appear on lines 22, 29, 34, 35, and 41-42 of the printed bill and substituting therefor the words "North Texas State University."

The amendment was read and was adopted.

On motion of Senator Creighton and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on passage of H. B. No. 645 to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—22

Aikin	Martin
Baker	Moffett
Calhoun	Parkhouse
Colson	Patman
Creighton	Reagan
Crump	Roberts
Dies	Rogers
Fuller	Schwartz
Gonzalez	Secrest
Herring	Smith
Kazen	Willis

Nays—8

Hardeman	Moore
Hudson	Owen
Krueger	Ratliff
Lane	Weinert

Absent—Excused

Hazlewood

Motion to Place House Bill 645 on Third Reading

Senator Creighton moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 645 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—21

Aikin	Crump
Baker	Dies
Calhoun	Fuller
Colson	Gonzalez
Creighton	Herring

Kazen	Rogers
Moffett	Schwartz
Parkhouse	Secrest
Patman	Smith
Reagan	Willis
Roberts	

Nays—9

Hardeman	Moore
Hudson	Owen
Krueger	Ratliff
Lane	Weinert
Martin	

Absent—Excused

Hazlewood

Senate Bill 368 with Senate Amendments

Senator Aikin called S. B. No. 368 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Hazlewood

Report of Standing Committee

Senator Fuller by unanimous consent submitted the following committee report:

Austin, Texas,
April 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 53, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed, as amended.

FULLER, Chairman.

Senate Bill 250 with House Amendments

Senator Schwartz called S. B. No. 250 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Hazlewood

Senate Bill 455 on First Reading

Senator Patman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Crump
Baker	Dies
Calhoun	Fuller
Colson	Gonzalez
Creighton	Hardeman

Herring	Patman
Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Schwartz
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis

Absent—Excused

Hazlewood

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Patman:

S. B. No. 455, A bill to be entitled "An Act amending Chapter 197, Acts of the 55th Legislature, Regular Session, 1957, so as to add Keller Bay and Cox Bay to certain waters closed to netting; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 456 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Hazlewood

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 456, A bill to be entitled "An Act amending Section 2 of Chapter 370, Acts of the 55th Legislature, Regular Session, 1957, relating to hunting by nonresidents on military areas; and declaring an emergency."

To the Committee on Game and Fish.

Senate Bill 457 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis

Absent—Excused

Hazlewood

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 457, A bill to be entitled "An Act amending Section 24 of Chapter 340, Acts of the 49th Legislature, Regular Session, 1945, as amended, relating to the location of cemeteries so as to permit the establishment and use of crypts in connection with church buildings within certain limits; and declaring an emergency."

To the Committee on State Affairs.

Welcome Resolutions

S. R. No. 369—By Senator Lane: Extending welcome to Miss Beverly Van Zandt, Ann Owens and Bob Owens and their mothers of Houston.

S. R. No. 371—By Senator Martin: Extending welcome to students and their teacher of Oglesby.

S. R. No. 372—By Senator Kazen: Extending welcome and privileges of floor to William D. Swisher of Laredo.

S. R. No. 375—By Senator Gonzalez: Extending welcome to members of United States Air Force Language School of San Antonio and sponsor.

S. R. No. 376—By Senator Weinert: Extending welcome to members of Hays County Home Demonstration Club and Mrs. Patton, Home Demonstration Agent.

Recess

On motion of Senator Hardeman the Senate at 12:10 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

After Recess

The Senate met at 9:30 o'clock a.m. and was called to order by the President.

Leave of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Martin.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 27, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 52, Providing that either the Senate or the House of Representatives may take up a local and uncontested bills calendar on any day.

H. C. R. No. 40, Designating parking facilities in the vicinity of the Capitol under the authority of the State Board of Control and the State Building Commission.

S. B. No. 1, A bill to be entitled